

REMARKS

Claims 2, 4-7, 10, 13-16, 18-22, 24, 27-31, 35, 40-47, 49-61, 63-86, 88, 89, 102, 103, 108, 117-120, 122-137, 143-145 and 148-153 were previously pending in this application. By this amendment, Applicant is canceling claims 128 and 153 without prejudice or disclaimer. Claims 14 and 151 are amended herein. The amendment to claim 14 is simply to correct a minor typographical error. The amendment to claim 151 is to incorporate subject matter previously recited in a claim (claim 153) that depended from claim 151. Therefore, these amendments are proper after a Final Office Action and entry of the amendments is respectfully requested.

As a result of the amendments and cancellations, claims 2, 4-7, 10, 13-16, 18-22, 24, 27-31, 35, 40-47, 49-61, 63-86, 88, 89, 102, 103, 108, 117-120, 122-127, 129-133, 135-137, 143-145 and 148-152 are now pending for examination with claims 2, 15, 30, 61, 68, 103, 127 and 151 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

Allowable Subject Matter

Applicant notes with appreciation that claims 2, 4-7, 10, 13-16, 18-22, 24, 27-31, 35, 40-47, 49-61, 63-86, 88, 89, 103, 122-127, 129-133, 135-137, 148, 149 and 152 are allowed and that claim 153 has been identified as containing allowable subject matter.

The Examiner states in the Office Action that claim 153 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 153 depended directly from independent claim 151 without any intervening claims. Accordingly, Applicant has amended claim 151 to incorporate the limitations previously recited in claim 153 and has canceled claim 153. In view of these amendments, it is believed that independent claim 151, as well as claims 102, 108, 117-120 and 143-145 which depend from claim 151, are now in condition for allowance. A notice to that effect is respectfully requested.

Claim Objections

Claim 14 stands objected to due to a typographical error in line 2. Applicant has amended claim 14 to correct the error as suggested in the Office Action and to overcome this objection. Claim 14, as amended, is believed to be in condition for allowance and withdrawal of the objection to claim 14 is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 151, 102, 117, 119, 120, 144 and 145 stand under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,428,544 to Shyu (hereinafter Shyu). Applicant has amended independent claim 151 to overcome this rejection.

As discussed above, claim 151 has been amended to incorporate the limitations previously recited in claim 153, which was indicated to obtain allowable subject matter. Accordingly, Applicant believes that this amendment to claim 151 overcomes the rejection of claim 151 and withdrawal of the rejection is respectfully requested.

Claims 102, 117, 119, 120, 144 and 145 depend from claim 151 and are therefore allowable for at least the same reasons as discussed with respect to claim 151. Accordingly, withdrawal of the rejection of dependent claims 102, 117, 119, 120, 144 and 145 is respectfully requested.

Rejections Under 35 U.S.C. §103

Claim 118 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shyu. Applicant respectfully traverses this rejection.

Claim 118 depends from claim 151. As discussed above, claim 151 has been amended to incorporate allowable subject matter. Therefore, for at least this reason, claim 151 is patentable over the art of record. Accordingly, claim 118 is allowable for at least the same reasons as claim 151 and withdrawal of the rejection of claim 118 is respectfully requested.

Claim 108 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shyu in view of Alanyali et al. ('On Simple Algorithms for Dynamic Load Balancing'). Applicant respectfully traverses this rejection.

Claim 108 depends from claim 151. As discussed above, claim 151 has been amended to

incorporate allowable subject matter. Therefore, for at least this reason, claim 151 is patentable over the art of record. Accordingly, claim 108 is allowable for at least the same reasons as claim 151 and withdrawal of the rejection of claim 108 is respectfully requested.

Claim 143 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shyu in view of Newton's Dictionary definition for "FDMA." Applicant respectfully traverses this rejection.

Claim 143 depends from claim 151. As discussed above, claim 151 has been amended to incorporate allowable subject matter. Therefore, for at least this reason, claim 151 is patentable over the art of record. Accordingly, claim 143 is allowable for at least the same reasons as claim 151 and withdrawal of the rejection of claim 143 is respectfully requested.

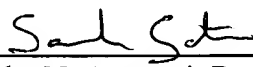
Independent claim 128 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Shyu and U.S. Patent No. 6,085,151 to Farmer et al. and further in view of Newton's Dictionary definition of "FDMA." Claim 128 has been canceled. Therefore, this rejection is moot.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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Docket No.: A0602-7002
Date: January 17, 2007